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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/077,206 | 02/15/2002 | Javier Valentin-Sivico | 10016942-1 | 3089 |

7590 06/17/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

RICHMAN, GLENN E

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| ART UNIT | PAPER NUMBER |
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3764

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,206

Applicant(s)

VALENTIN-SIVICO, JAVIER

Examiner

Glenn Richman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The rejection from the prior office action is maintained and incorporated herein by reference.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brown et al.

Brown et al disclose providing an exercise apparatus 38, providing a computer having a CPU and memory fig. 1; connecting the exercise apparatus and the computer fig. 2; and providing at least one connection port operatively connected to the CPU of the computer 26-28, the at least one connection port for interfacing with a predetermined auxiliary device col. 5, lines 64 – col. 6, line 5, the predetermined auxiliary device having a CPU and memory col. 5, lines 64 – col. 6, line 5, the predetermined auxiliary device and the computer each having a protocol and software

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for allowing the exchange of data and for the predetermined auxiliary device to interface with the at least one connection port operatively connected to the computer col. 5, lines 64 – col. 6, line 5

The method of claim 10, wherein the at least one connection port includes a connection port having a light beam emitter/receiver for interacting with a corresponding emitter/receiver on the auxiliary device col. 5, lines 64 – col. 6, line 5.

The method of claim 10, wherein the at least one connection port includes a connection port physically interfaced with a port on the auxiliary device col. 5, lines 64 – 67.

Brown et al further disclose connecting the plurality of computerized exercise apparatus in a network col. 4, lines 29-52, each computerized exercise apparatus connected to at least one server having a central memory core col. 12, lines 24-32, each computerized exercise apparatus having a base exercise machine connected to a computer in turn having a CPU and memory fig. 2, said network including at least one connection port connected to the CPU of the computer of at least one of the plurality of computerized exercise apparatus fig. 2, said at least one connection port for interfacing with a predetermined auxiliary device col. 5, lines 64 – col. 6, line 5.

As for new claims 19 and 20, Brown et al further disclose the workout data is at least saved on the predetermined auxiliary device (col. 5, lines 64 – col. 6, line 5), the workout data is at least saved on the at least one server (col. 12, line 59 – col. 13, line 11).

Response to Arguments

Applicant's arguments filed 3/4/05 have been fully considered but they are not persuasive.

1. Brown et al do not disclose "providing a server operable to communicate workout date; connecting the server to the computer".

2. It is not alleged that Brown et al. anticipated the following elements of claim 13: said predetermined auxiliary device having at least one CPU and at least one memory, the predetermined auxiliary device and the computer each having a protocol and software for allowing an exchange of data for the predetermined auxiliary device to interface with the at least one connection port connected to the computer connected to the at least one server having a central memory core.

As to 1. above, Brown et al clearly disclose "providing a server operable to communicate workout date; connecting the server to the computer"(col. 12, line 59 – col. 13, line 11).

As to 2 above, Brown et al disclose said predetermined auxiliary device having at least one CPU and at least one memory (col. 5, lines 64 –67),the predetermined auxiliary device and the computer each having a protocol and software for allowing an exchange of data for the predetermined auxiliary device to interface with the at least one connection port connected to the computer connected to the at least one server having a central memory core (col. 12, line 59 – col. 13, line 30).

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 703 308-3170. The examiner can normally be reached on Mon-Thurs.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Richman
Primary Examiner
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